

WEDNESDAY, MAY 21, 1997

FORTY-FIFTH LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by David Turner, Lascassas Baptist Church, Lascassas, Tennessee.

Representative Hood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 63: Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

House Joint Resolution No. 312: Rep(s). Kent as prime sponsor(s).

House Joint Resolution No. 325: Rep(s). Bone as prime sponsor(s).

House Bill No. 370: Rep(s). Stamps as prime sponsor(s).

House Bill No. 439: Rep(s). Sands as prime sponsor(s).

House Bill No. 1636: Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

House Bill No. 1898: Rep(s). Tindell as prime sponsor(s).

MESSAGE FROM THE SENATE

May 20, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 219, 272, 278, 282, 283, 284, 285, 289, 291, 292, 293, 294, 295, 296, 297, 300 and 301; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 20, 1997

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 219, 272, 278, 282, 283, 284, 285, 289, 291, 292, 293, 294, 295, 296, 297, 300 and 301.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 20, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 228 and 555, without his signature.

COURTNEY PEARRE, Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK
May 20, 1997

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 600 and 671; also, House Joint Resolution(s) No(s). 290.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
May 20, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 187, 258, 953, 1107, 1904 and 1964, also, House Joint Resolution(s) No(s). 272, 278, 282, 284, 285, 289, 291, 292, 293, 294, 295 and 296; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 89** -- General Assembly, Studies - Creates special house committee to study issues relative to relationships among administrators, teachers and students and the admission and retention of students in public schools. by *DeBerry J.

Education Committee

***House Joint Resolution No. 309** -- General Assembly, Directed Studies - Directs select joint committee on children and youth to study methods by which various state agencies serving children and youth might promote innate resilient characteristics of children which help them to overcome growing up in at risk circumstances and to survive traumatic events. by *DeBerry L.

Calendar & Rules Committee

***House Joint Resolution No. 319** -- Memorials, Government Officials - Urges department of human services to articulate welfare rights and responsibilities to Families First applicants and customers. by *Armstrong.

Health & Human Resources Committee

***House Joint Resolution No. 323** -- Memorials, Government Officials - Directs THDA to review policies, rules and regulations governing allocation of tax-exempt bonds and tax credits for development of multi-family housing with view toward increasing flexibility in such areas. by *Turner (Shelby).

Finance, Ways & Means Committee

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House Joint Resolution No. 330 -- Naming and Designating - "Vietnam Veterans Appreciation Year," 1997. by *Walley.

Calendar & Rules Committee

***House Joint Resolution No. 331** -- General Assembly, Directed Studies - Directs department of environment and conservation to study implementation of program warning public of presence of hazardous and toxic wastes at certain Superfund sites. by *DeBerry J.

Conservation & Environment Committee

House Joint Resolution No. 341 -- Naming and Designating - "Gospel Music Week in Tennessee", September 8-14, 1997. by *McKee.

Calendar & Rules Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 22, 1997:

House Resolution No. 88 -- Memorials, Interns - Christopher Lee Harmon. by *Rinks.

House Resolution No. 92 -- Memorials, Interns - Rachele Scott. by *Pinion.

House Resolution No. 93 -- Memorials, Personal Achievement - Miss Lindsay Michelle Robinson, Arthrogryposis patient. by *Kerr, *Clabough.

House Resolution No. 94 -- Memorials, Recognition and Thanks - Eleanor Bright. by *Langster, *Williams (Williamson), *Pruitt, *Jones U (Shelby), *West, *Jones, S., *Armstrong, *Halteman Harwell, *Hargrove.

House Joint Resolution No. 329 -- Memorials, Sports - 1996-1997 Collingwood girls' basketball team, TSSAA Class A state tournament final four.I. by *Tidwell.

House Joint Resolution No. 332 -- Memorials, Retirement - Evelyn Blythe. by *Maddox, *Ridgeway, *Pinion.

House Joint Resolution No. 333 -- Memorials, Academic Achievement - Melissa Shippen, Presidential Scholar. by *McMillan, *Head.

House Joint Resolution No. 334 -- Memorials, Academic Achievement - Yvonne T. Jones, highest G.P.A., Morristown-Hamblen West High School. by *Ford S.

House Joint Resolution No. 335 -- Memorials, Interns - Matthew Barnes. by *Hargrove, *Buck.

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House Joint Resolution No. 336 -- Memorials, Interns - Jennifer Eberle. by *Hargrove, *Head, *McMillan.

House Joint Resolution No. 337 -- Memorials, Professional Achievement - Baxter Wheatley. by *Pinion.

House Joint Resolution No. 338 -- Memorials, Personal Occasion - Ruby Mae Todd Stoker, 90th birthday. by *Beavers.

House Joint Resolution No. 339 -- Memorials, Professional Achievement - Fred Holtzclaw, Oak Ridge High School teacher, Presidential Award for Excellence in Mathematics and Science Teaching. by *Caldwell.

House Joint Resolution No. 340 -- Memorials, Academic Achievement - Hixson High School Air Force Junior R.O.T.C., Honor School for 1996-1997. by *Stulce.

House Joint Resolution No. 342 -- Memorials, Retirement - Vera M. Owen, Reelfoot Regional Library. by *Maddox, *Pinion, *Ridgeway, *Tidwell, *Phelan.

House Joint Resolution No. 343 -- Memorials, Academic Achievement - Harry Allen, National Leadership and Service Award. by *Langster, *Jones U (Shelby), *Pruitt, *West, *Jones, S., *Armstrong, *Halteman Harwel, *Hargrove.

House Joint Resolution No. 344 -- Memorials, Interns - Angela Lynn Smith. by *Ridgeway.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 41** -- Memorials, Congress - Urges initiation of impeachment proceedings against U.S. District Court Judge John T. Nixon. by *Burks, *Ramsey, *Person, *Haun, *Fowler, *Crowe, *Carter, *Leatherwood, *Davis L, *Miller J, *Koella, *Williams.

Judiciary Committee

***Senate Joint Resolution No. 217** -- General Assembly, Confirmation of Appointment - Dr. Semella Junior Spence, Registry of Election Finance. by *Harper.

Finance, Ways & Means Committee

Senate Joint Resolution No. 231 -- General Assembly, Confirmation of Appointment - Robert J. Booker, Registry of Election Finance. by *Gilbert.

Finance, Ways & Means Committee

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***Senate Joint Resolution No. 232** -- Memorials, Government Officials - Urges Department of Safety to conduct statewide competition to select design for new motor vehicle registration plates. by *Kyle.

Transportation Committee

***Senate Joint Resolution No. 233** -- General Assembly, Confirmation of Appointment - Karen Dunavant, Registry of Election Finance. by *Person, *Kyle, *Leatherwood, *Cohen, *Dixon, *Ford J, *Henry.

Finance, Ways & Means Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2016 -- Sevier County - Subject to local approval, directs trustee to deposit \$2.00, instead of \$1.00, of litigation tax into courthouse building fund. - Amends Chapter 12 of the Private Acts of 1983. by *Huskey.

House Bill No. 2017 -- Warren County - Subject to local approval, increases from \$2,000 to \$5,000 amount of purchases county purchasing commission may make without sealed bids. - Amends Chapter 16 of the Private Acts of 1951; as amended. by *Rhinehart, *Curtiss.

House Bill No. 2018 -- Hamilton County - Subject to local approval, for William L. Bork Memorial Hospital, revises references from Hamilton County council to Hamilton County legislative body; revises selection of board of trustees; and authorizes county legislative body to select board of trustees, Hamilton County general government, or private contract to manage hospital. - Amends Chapter 248 of the Private Acts of 1967-1968. by *Sharp, *Wood, *Stulce, *McAfee, *Brown, *Turner (Hamilton).

House Bill No. 2019 -- Niota - Revises general powers of charter of City of Niota. - Amends Chapter 48 of the Private Acts of 1919; as amended. by *McKee.

House Bill No. 2020 -- Hartsville - Subject to local approval, permits nonresident property owners to vote in city elections. - Amends Chapter 269 of the Private acts of 1974. by *Bone.

House Bill No. 2021 -- Jackson - Subject to local approval, authorizes board of utility commissioners to sell and deliver telecommunications services. - Amends Chapter 101 of the Private Acts of 1993. by *Kisber.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 969** -- Education - Provides for specific funding for technology equipment and necessary associated school infrastructure improvements, in addition to BEP funding. - Amends TCA Title 49, Chapter 1. by *Ford J. (HB1379)

Senate Bill No. 1163 -- Highways, Roads and Bridges - Directs department of transportation to plan for and construct interchange on I-181 at Tinker Road, Unicoi County. by *Haun. (*HB558)

Senate Bill No. 1325 -- Municipal Government - Permits municipality to provide for, by ordinance, collection of delinquent property taxes in addition to present authority for current taxes. - Amends TCA Section 67-5-2005. by *Graves. (*HB589)

***Senate Bill No. 1810** -- Education, Higher - Exempts most private degree-granting postsecondary educational institutions from making payments into tuition guaranty fund. - Amends TCA Section 49-7-2018(d). by *Womack. (HB1777)

Senate Bill No. 2008 -- Regional Authorities - Expands jurisdiction of Carroll County Watershed Authority - Amends TCA. by *Carter. (*HB1996)

Rep. Hargrove further moved that Senate Bill No. 926, rather than Senate Bill No. 1926, as was moved on Monday, May 19, 1997, be held on the desk pending third consideration of the companion House Bill and that the House Journal from that day reflect the same.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 1996** -- Regional Authorities -- House Finance Ways & Means Committee

House Bill No. 2014 -- Paris -- Local Bill Held on House Desk

House Bill No. 2015 -- Monterey -- Local Bill Held on House Desk

CAPTION BILLS REFERRED

May 21, 1997

Pursuant to **Rule No. 47**, the following Caption Bill(s), 513 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 513** -- Minority Affairs -- House Finance, Ways & Means Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 20, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 27, 1997**: House Bill(s) No(s). 1026, 1305, 1718, 173, 1574, 1295, 989, 1765, 1568, 507, 1777, 1465, 1325, 136 and House Joint Resolution(s) No(s.)182-152.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **May 21, 1997**: House Bill(s) No(s).1869.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 21, 1997**: House Bill(s) No(s). 1017, 1630, 230, Senate Joint Resolution(s) No(s).197 and House Joint Resolution(s) No(s).279.

AGRICULTURE

The Agriculture Committee recommended for passage: House Joint Resolution(s) No(s). 281, also Senate Joint Resolution(s) No(s). 230 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Resolution(s) No(s). 82. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 589, 823, 1110, 570, 394, 371, 697, 1395, 1019, 1636 and 586, also House Bill(s) No(s). 1828, 1501, 1329 and 1160 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 192 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1810 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Joint Resolution(s) No(s). 222, 280 and 287, also House Bill(s) No(s). 1036, 653, 954, 1742, 1012 and Senate Joint Resolution(s) No(s). 222 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1606, 1796 and 1493 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1843, 1767, 1677 and 756; also House Bill(s) No(s). 246, 330, 905, 90, 1227, 1404, 1553 and 116 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 219, 439 and 811; also House Bill(s) No(s). 370, 802, 1986 and 1663 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1912, 1924 and 1087, also House Bill(s) No(s). 94, 533, 1402, 1394 and 1898 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1917 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reported that House Bill No. 444 was considered but failed to pass.

TRANSPORTATION

The Transportation Committee recommended for passage: Senate Joint Resolution(s) No(s). 99, 101 and 179. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 21, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for May 22, 1997**: House Bill(s) No(s). 1922, 371, 529, 653, 1742, 954, 1012, 1019, 1636, 823, 589, 1828, 1160, 612, 1783, 1124, 1424, 1756, 1778, 766, 785, Senate Joint Resolution(s) No(s). 230 and House Joint Resolution(s) No(s). 63 and 130.

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 22, 1997**: House Bill(s) No(s). 394, 548, House Resolution(s) No(s). 82, House Joint Resolution(s) No(s). 222, 242, 244, Senate Joint Resolution(s) No(s). 84, 99, 101, 179 and 196.

CHILDREN & FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended for passage: House Resolution(s) No(s). 81, also House Bill(s) No(s). 1140, 1104 and House Resolution(s) No(s). 71 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1694 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 114, 65, 1387 and 1360 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 803; also House Bill(s) No(s). 1816 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

***House Bill No. 230** -- Boards and Commissions - Encourages appointments to boards, commissions, councils and committees be made to achieve minority and gender balance in relation to population of area represented by such entity. by *Pruitt, *Naifeh, *Langster, *Brooks. (SB716 by *Dixon)

On motion, House Bill No. 230 was made to conform with **Senate Bill No. 716**; the Senate Bill was substituted for the House Bill.

House Bill No. 1017 -- Courts, General Sessions - Increases from \$10,000 to \$15,000 jurisdictional limit of general sessions courts. - Amends TCA Title 16, Chapter 15. by *Buck. (*SB476 by *Haynes)

House Bill No. 1630 -- Guardianship - Authorizes commission on aging to develop and implement program to recruit, train, and coordinate volunteers to assist district public guardians in maintaining independence and dignity of elderly wards. - Amends TCA Title 34, Chapter 7, Part 1. by *Pruitt, *DeBerry J, *Armstrong, *Turner (Shelby), *Towns, *Jones U (Shelby), *Miller L, *Cooper B, *Bowers, *DeBerry L. (*SB400 by *Harper)

On motion, House Bill No. 1630 was made to conform with **Senate Bill No. 400**; the Senate Bill was substituted for the House Bill.

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House Bill No. 1979 -- Cheatham County - Subject to local approval, authorizes tax on new industrial development. by *Williams (Williamson), *Davidson. (SB1988 by *Kurita)

House Bill No. 1980 -- Cheatham County - Subject to local approval, authorizes privilege tax on new residential development. by *Williams (Williamson), *Davidson. (SB1989 by *Kurita)

House Bill No. 1981 -- Cheatham County - Subject to local approval, authorizes tax on new commercial development. by *Williams (Williamson), *Davidson. (SB1987 by *Kurita)

House Resolution No. 85 -- Memorials, Interns - Cheryl L. Gamble. by *Buck, *Jackson, *McMillan.

House Resolution No. 86 -- Memorials, Interns - Scottie Swanner. by *Dunn.

House Resolution No. 87 -- Memorials, Sports - Kip House and Chris Fultz, near perfect bowlers. by *Goins.

***House Joint Resolution No. 279** -- General Assembly, Studies - Creates special joint study committee to review waste tire policies. by *Rinks.

House Joint Resolution No. 308 -- Memorials, Recognition and Thanks - "Chipping of the Green" recycling program. by *Westmoreland.

House Joint Resolution No. 310 -- Memorials, Interns - Hollye Rabecca Cross. by *DeBerry L.

House Joint Resolution No. 311 -- Memorials, Interns - Cristal Noe'l Powell. by *DeBerry L.

House Joint Resolution No. 312 -- Memorials, Interns - Katherine Glasgow. by *Hargett.

House Joint Resolution No. 313 -- Memorials, Academic Achievement - Chase E. Lindsey. by *Ford S.

House Joint Resolution No. 314 -- Memorials, Academic Achievement - Lance W. Saunders, Morristown-Hamblen High School West academic honors student. by *Ford S.

House Joint Resolution No. 315 -- Memorials, Academic Achievement - Kendrick Byron Smith, Morristown-Hamblen High School top student. by *Ford S.

House Joint Resolution No. 316 -- Memorials, Death - Rilla Marianelli. by *West.

House Joint Resolution No. 317 -- Memorials, Personal Occasion - Don Stone, 90th birthday. by *McDonald.

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House Joint Resolution No. 320 -- Memorials, Interns - Adrien E. Liles. by *Jones U (Shelby), *Tindell, *Langster.

House Joint Resolution No. 321 -- Memorials, Interns - Tara Gilbert. by *Jones U (Shelby), *Tindell, *Langster.

House Joint Resolution No. 322 -- Memorials, Academic Achievement - Wendell Garner Turner, first place, Cumberland Elementary Second Grade spelling bee. by *Langster, *DeBerry L, *Armstrong, *Jones U (Shelby), *West, *Jones, S., *Pruitt, *Garrett, *Boner, *Hargrove.

House Joint Resolution No. 324 -- Memorials, Academic Achievement - Nedja Bray, National Young Scholar. by *Burchett.

House Joint Resolution No. 325 -- Memorials, Personal Occasion - Lowell A. Bogle, 100th birthday. by *Beavers.

House Joint Resolution No. 326 -- Memorials, Interns - Gina Danese Wheat. by *Beavers.

House Joint Resolution No. 327 -- Memorials, Sports - J. Frank White Academy boys' basketball team, TSSAA Class A substate level. by *Goins.

House Joint Resolution No. 328 -- Memorials, Academic Achievement - Abbey DeBusk, Claiborne County Spelling Bee Winner. by *Goins.

***Senate Joint Resolution No. 182** -- Highway Signs - "Veterans Memorial Bridge," Washington Ave. (S.R. 35) viaduct in Maryville, Blount County. by *Koella.

***Senate Joint Resolution No. 183** -- General Assembly, Confirmation of Appointment - Dr. Melvin Wright, Sr., State Board of Education. by *Carter, *Herron.

***Senate Joint Resolution No. 197** -- General Assembly, Confirmation of Appointment - John Mark Hayes, State Forestry Commission. by *Burks.

***Senate Joint Resolution No. 201** -- General Assembly, Confirmation of Appointment - Michael D. Martin, State Forestry Commission. by *Wilder.

***Senate Joint Resolution No. 202** -- General Assembly, Confirmation of Appointment - J.W. "Jim" Carpenter, Tennessee Forestry Commission. by *Wilder.

Senate Joint Resolution No. 250 -- Memorials, Sports - Waynesboro Middle School girls' basketball team. by *Wilder.

Senate Joint Resolution No. 251 -- Memorials, Sports - Collinwood High School Trojanettes. by *Wilder.

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Senate Joint Resolution No. 257 -- Memorials, Public Service - Kelly Tolson, Executive Director, Tennessee 200. by *Henry, *Herron, *Kyle, *Haynes, *Dixon, *Harper, *Jordan.

Senate Joint Resolution No. 258 -- Memorials, Public Service - Martha Ingram, Chair, Bicentennial Commission. by *Henry, *Womack, *Herron, *Kyle, *Cohen, *Rochelle, *Haynes, *Dixon, *Harper, *Jordan.

Senate Joint Resolution No. 261 -- Memorials, Interns - Ms. Glenda Hawkins. by *Haun, *Rochelle.

Senate Joint Resolution No. 262 -- Memorials, Recognition and Thanks - Carol Marin. by *Cohen, *Cooper, *Springer, *Womack.

Senate Joint Resolution No. 263 -- Memorials, Personal Achievement - Cherrie Pardue Holden, Chief Justice of University of Memphis Student Court. by *Person, *Leatherwood, *Kyle, *Cohen, *Dixon.

Senate Joint Resolution No. 264 -- Memorials, Professional Achievement - Dennis F. Dycus, Director of Municipal Audit for Comptroller, AGA's National Education and Training Award. by *Henry, *Jordan, *Graves, *Rochelle, *Haynes, *Dixon.

Senate Joint Resolution No. 266 -- Memorials, Public Service - Ada Mary Grogan. by *Wilder, *Herron.

Senate Joint Resolution No. 267 -- Memorials, Professional Achievement - Charles W. Davidson. by *Haynes.

Senate Joint Resolution No. 271 -- Memorials, Death - Jeff Dye. by *Springer, *Graves, *Womack, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams.

Senate Joint Resolution No. 272 -- Memorials, Congratulations - Lenior City, 90th birthday. by *Miller J.

Senate Joint Resolution No. 274 -- Memorials, Recognition and Thanks - Overton High School Concert Band, Overton High School Jazz Band. by *Cohen, *Kyle.

Senate Joint Resolution No. 280 -- Memorials, Academic Achievement - Jennifer Brooke Huddleston, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 281 -- Memorials, Academic Achievement - Meredith Inman, Valedictorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 282 -- Memorials, Academic Achievement - Leanna Estep, Valedictorian, Byrns High School. by *Graves.

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Senate Joint Resolution No. 283 -- Memorials, Academic Achievement - Jill Vogle, Salutatorian, Byrns High School. by *Graves.

Senate Joint Resolution No. 284 -- Memorials, Academic Achievement - Allison Miller, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 285 -- Memorials, Academic Achievement - Brienna Deshea Coleman, Salutatorian, White House High School. by *Graves.

Senate Joint Resolution No. 286 -- Memorials, Academic Achievement - Angela Kae Wilhite, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 287 -- Memorials, Academic Achievement - Jennifer Holston, Valedictorian, East Robertson High School. by *Graves.

Senate Joint Resolution No. 288 -- Memorials, Academic Achievement - Jill Blackford, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 289 -- Memorials, Academic Achievement - David Dempsey, Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 290 -- Memorials, Academic Achievement - Tabitha Lynn Lauderdale, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 291 -- Memorials, Academic Achievement - Jamie Bailey, Salutatorian, White House High School. by *Graves.

Senate Joint Resolution No. 292 -- Memorials, Academic Achievement - Daniel Corban, Salutatorian, East Robertson High School. by *Graves.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1979: by Rep. Head

House Bill No. 1980: by Rep. Head

House Bill No. 1981: by Rep. Head

Under the rules, House Bill No: 1979, 1980 and 1981 was/were placed at the foot of the calendar for Thursday, May 22, 1997.

Rep. L. DeBerry moved that all members voting aye on House Resolutions honoring legislative interns be added as sponsors, which motion prevailed.

Rep. Hargrove moved that all members voting aye on Senate Joint Resolution No. 257, 258 and 271 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 336** -- Juvenile Offenders - Requires restitution of ten times amount of damage if juvenile found to be delinquent based upon conduct constituting criminal offense of vandalism, parents jointly and severally liable for payment of restitution in such amount. - Amends TCA Section 37-1-131. by *Ridgeway, *Ferguson, *McDaniel, *Stamps. (SB1231 by *Herron)

Further consideration of House Bill No. 336, previously considered on May 1, 1997, at which time the House adopted Amendment(s) No(s). 2 and 3 and reset the Bill to May 7, 1997.

House Bill No. 336 was further considered on May 7, 1997, at which time the House was on the motion to adopt Amendment No. 4, and reset to today's Calendar.

Rep. Ridgeway moved that House Bill No. 336 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

House Bill No. 1464 -- Election Laws - Permits rearrangement of names on voting machine ballot so machine will accommodate entire ballot. - Amends TCA Title 2, Chapter 5, Part 2. by *Jones U (Shelby), *DeBerry J, *Turner (Shelby), *Chumney, *Cooper B, *Towns, *Brooks. (*SB888 by *Dixon)

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

Further consideration of House Bill No. 1464, previously considered on May 1, 1997, and May 8, 1997, and reset to today's Calendar.

On motion, House Bill No. 1464 was made to conform with **Senate Bill No. 888**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that **Senate Bill No. 888** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	82
Noes	10
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Bird, Bone, Boner, Bowers, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Beavers, Bittle, Boyer, Clabough, Dunn, Goins, Hargett, Sargent, Scroggs, Wood -- 10.

Representatives present and not voting were: Ford, Westmoreland -- 2.

A motion to reconsider was tabled.

House Bill No. 945 -- Utilities, Utility Districts - Enacts "Electric Utility Comprehensive Equal Power and Authority Act of 1997." - Amends TCA Title 65, Chapter 25. by *Stulce. (*SB1593 by *Crutchfield)

Further consideration of House Bill No. 945, previously considered on May 15, 1997, and reset to today's Calendar.

Rep. Stulce moved that House Bill No. 945 be passed on third and final consideration.

Rep. Stulce requested that House Amendment No. 1 be moved to the heel of the Amendments.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 945 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The title of this act is, and may be cited as the "Electric Utility Comprehensive Equal Power and Authority Act of 1997".

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Electric cooperative" means an electric cooperative or electric membership corporation, whether organized or operating under the provisions of Tennessee Code Annotated, Title 65, Chapter 25, or similar statutes of any other state, which distributes electric power purchased from the Tennessee Valley Authority;

(2) "Law" has the same definition as in Tennessee Code Annotated, Section 7-52-102(10); and

(3) "Municipal utility" and "municipal electric utility" means any governmental entity as defined in Tennessee Code Annotated, Section 29-20-102, having a system for the distribution of electricity, whether operated under the authority of a board of the governmental entity, a department of the governmental entity or under the authority of a board created pursuant to the provisions of the Tennessee Municipal Electric Plant Law, Tennessee Code Annotated, Title 7, Chapter 52, or by the authority of any other public or private act of the general assembly or pursuant to the charter of a municipality, and that operates an electric generation or distribution system which, as of the date of this act, distributes electricity purchased from the Tennessee Valley Authority and also includes any municipality, county or other political subdivision of another state, whether operated under a board or as a county or municipal department, which, as of the date of this act, distributes electricity purchased from the Tennessee Valley Authority.

SECTION 3. Every municipal electric utility is hereby authorized to exercise any power or authority that may be exercised under any law by any other Tennessee municipal electric utility.

SECTION 4. Every municipal electric utility and every electric cooperative is hereby:

(a) Permitted to enter into interlocal cooperation agreements under the authority of Tennessee Code Annotated, Title 12, Chapter 9, as well as the authority of this act; and

(b) Permitted to use surplus revenues in connection with the exercise of any power or authority it may exercise under any law, provided the exercise of that power or authority is not a violation of the terms and conditions of a wholesale power contract between the Tennessee Valley Authority and the respective municipal electric utility or electric cooperative and is not a violation of or otherwise prohibited by the terms and conditions of any covenants in any outstanding revenue bonds of the municipal electric utility or loan covenant of the electric cooperative, as may be applicable. For the purpose of entering into agreements authorized under this chapter or entering into an interlocal agreement under Tennessee Code Annotated, Title 12, Chapter 9, municipal utilities and electric cooperatives are authorized to enter into interlocal agreements, as if each electric cooperative were a "public agency" for the purposes of Tennessee Code Annotated, Title 12, Chapter 9.

The general assembly hereby finds and determines that participating in such interlocal agreements by electric cooperatives and municipal utilities provides a mutual benefit to help reduce the expense of operations of municipal utilities and electric cooperatives and hence reduce the cost of electricity for the citizens of Tennessee, and hereby finds that all contributions of financial and administrative resources and associated costs and expenses are made by a municipal utility pursuant to an interlocal agreement as authorized herein, are made for a public and governmental purpose, and that all such contributions benefit the contributing municipal utilities.

SECTION 5. Any law enacted by the general assembly on or after the passage of this act granting powers or authorization to a municipal electric utility to exercise one (1) or more powers or authority will be presumed to have been considered by a subsequent general assembly to be included within the scope of omnibus powers and authority granted under this act for every other municipal electric utility unless the general assembly, in a subsequent law, expresses an intention otherwise by prohibiting the exercise of that power and authority under the additional authority of this act.

SECTION 6. In the exercise of their respective powers and authority, jointly and severally, under interlocal cooperation agreements entered into under the authority of this act and Tennessee Code Annotated, Title 12, Chapter 9, electric cooperatives and municipal utilities and any separate entity or body created under Tennessee Code Annotated, Section 12-9-104(c), may exercise such powers and authority regardless of the competitive consequences thereof.

SECTION 7. Nothing in this act shall be deemed to be an implied repeal of the service area limitations established in Tennessee Code Annotated, Section 6-51-112 or Title 65, Chapter 34.

SECTION 8. This act shall be liberally construed so as to authorize all municipal electric utilities to have equal powers and authority.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Stulce moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 945 by deleting Section 2(2) in its entirety and by substituting instead the following:

(2) "Law" has the same definition as in Tennessee Code Annotated, Section 7-52-102(9), except it shall not include any change to the charter of a municipality that has adopted home rule.

AND FURTHER AMEND by adding the following language at the end of Section 3:

If a municipal electric utility seeks to exercise a power or authority which is not authorized by Tennessee Code Annotated, Title 7, Chapter 52, or by private act directly applicable to the municipal electric utility, and if such power or authority also may be exercised by the municipality of which the municipal electric utility is a part, the governing body of the municipality shall authorize the municipal electric utility to exercise such power or authority. Notwithstanding any other provisions of this act to the contrary, if the exercise of such power or authority involves any system, plant, or equipment for the provision of telephone, telecommunications services or any other like system, plant, or equipment, such exercise shall not be subject to the provisions of this act but instead shall be subject to the provisions of Tennessee Code Annotated, Title 7, Chapter 52, as amended.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Nothing in this act shall be construed to permit municipal electric utilities or electric cooperatives to acquire water, sewer, or gas utilities except in compliance with Tennessee Code Annotated, Title 7, Chapter 82. Nothing in this act shall be construed to authorize any municipal electric utility to provide a service for which a license, certification

or registration is required pursuant to Tennessee Code Annotated, Title 62, Chapter 32, Part 3, or operate a cable system as defined by Tennessee Code Annotated, Section 7-59-201(2) for the provision of cable service.

On motion, Amendment No. 3 was adopted.

Rep. Stulce moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Stulce moved that **House Bill No. 945**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: McKee, Newton, Walker -- 3.

A motion to reconsider was tabled.

***Senate Bill No. 510** -- Probation - Establishes standards for private contractors who supervise misdemeanor probationers - Amends TCA Section 40-35-302. by *Springer, *Crutchfield. (HB437 by *Fowlkes)

Further consideration of Senate Bill No. 510, previously considered on May 8, 1997, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 2.

Senate Bill No. 510 was further considered on May 14, 1997, at which time the House adopted Amendment(s) No(s). 2, 4, 5 and 6 and reset to today's Calendar.

Rep. Fowlkes moved that Senate Bill No(s). 510 be reset for the first Regular first Calendar of next week, which motion prevailed.

***House Bill No. 475** -- Education - Deletes requirement that any person other than parent or guardian having custody or control of school age children shall cause such children to be enrolled in school. - Amends TCA Title 49, Chapter 6. by *Winningham. (SB777 by *Burks)

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

Further consideration of House Bill No. 475, previously considered on May 14, 1997, and reset to today's Calendar.

On motion, House Bill No. 475 was made to conform with **Senate Bill No. 777**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved the Senate Bill No. 777 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Winningham moved that **Senate Bill No. 777** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1673 -- Taxes, Business - Creates tax credit for transfers of certain personal properties to governmental units or instrumentalities. - Amends TCA Title 67, Chapter 4. by *Mumpower, *Godsey, *Westmoreland. (*SB1758 by *Ramsey)

Further consideration of House Bill No. 1673, previously considered on May 15, 1997, and reset to today's Calendar.

On motion, House Bill No. 1673 was made to conform with **Senate Bill No. 1758**; the Senate Bill was substituted for the House Bill.

Rep. Mumpower moved that Senate Bill No. 1758 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1758 by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-4-713(a), is amended by adding the following language as a new, appropriately designated subdivision:

() The amount of personal property taxes that would be due and owing pursuant to Chapter 5, Part 5 of this title, but for the fact that, pursuant to a lawful agreement between the person and a local governmental unit or instrumentality, the person's personal property has been transferred to a governmental unit or instrumentality; provided, however, that

(A) the person shall be eligible for such credit only to the extent of the tax generated from its receipts for services rendered by such person to an affiliated person;

(B) either person directly owns or controls eighty percent (80%) or more of the other, or eighty percent (80%) or more of both persons is directly or indirectly owned or controlled by a common parent; and

(C) the provisions of this act are approved by a two-thirds (2/3) vote of the legislative body of the county or municipality (whichever is appropriate) exercising jurisdiction over the governmental unit or instrumentality.

On motion, Amendment No. 1 was adopted.

Rep. Mumpower moved that **Senate Bill No. 1758**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 889 -- Traffic Safety - Authorizes youth buses of certain organizations to stop traffic while transporting children. - Amends TCA Title 55, Chapter 8. by *Dunn, *Burchett, *Roach. (*SB500 by *Atchley, *McNally, *Gilbert, *Crowe)

Further consideration of House Bill No. 889, previously considered on May 8, 1997, and May 15, 1997, and reset to today's Calendar.

On motion, House Bill No. 889 was made to conform with **Senate Bill No. 500**; the Senate Bill was substituted for the House Bill.

Rep. Dunn moved that Senate Bill No. 500 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 500 by adding the following as a new subdivision to the amendatory language of Section 1 of the printed bill:

(7) For the purposes of this section, a "youth bus" means a motor vehicle designed for carrying not less than fifteen (15) passengers and used for the transportation of persons.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1 as House Amendment No. 2.

Rep. Davidson moved that Senate Bill No. 500 be re-referred to the Committee on Calendar & Rules.

Rep. Dunn moved that the motion to re-refer Senate Bill No. 500 to Calendar & Rules be tabled, which motion failed by the following vote:

Ayes.....	45
Noes	47

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Boyer, Brown, Burchett, Clabough, Cole (Carter), Curtiss, Davis, Ford, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Huskey, Kent, Kerr, McAfee, McDaniel, McKee, Mumpower, Newton, Patton, Pinion, Pleasant, Ridgeway, Ritchie, Roach, Sargent, Scroggs, Sharp, Stamps, Tindell, Walker, Walley, Westmoreland, Whitson, Wood -- 45.

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

Representatives voting no were: Arriola, Bone, Boner, Bowers, Buck, Caldwell, Chumney, Cole (Dyer), Cross, Davidson, DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Hargrove, Head, Hood, Jackson, Jones S., Jones U., Kernell, Langster, Lewis, Maddox, McDonald, Miller, Odom, Phelan, Phillips, Pruitt, Rhinehart, Rinks, Robinson, Sands, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 47.

Rep. Davidson renewed the motion that Senate Bill No. 500 be re-referred to the Committee on Calendar & Rules, which motion failed by the following vote:

Ayes.....	42
Noes	52

Representatives voting aye were: Arriola, Bone, Boner, Bowers, Brooks, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Cross, Davidson, DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Hargrove, Head, Hood, Jones S., Jones U., Kernell, Langster, Lewis, Maddox, McDonald, Odom, Phelan, Phillips, Pruitt, Rhinehart, Rinks, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams, Mr. Speaker Naifeh -- 42.

Representatives voting no were: Armstrong, Beavers, Bird, Bittle, Boyer, Brown, Burchett, Clabough, Cole (Carter), Curtiss, Davis, DeBerry J., Dunn, Ford, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Huskey, Kent, Kerr, McAfee, McDaniel, McKee, Miller, Mumpower, Newton, Patton, Pinion, Pleasant, Ridgeway, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Tindell, Walker, Walley, Westmoreland, Whitson, Windle, Winningham, Wood -- 52.

Rep. Stamps moved the previous question, which motion prevailed.

Rep. Dunn moved that **Senate Bill No. 500**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	72
Noes	18
Present and not voting.....	7

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, DeBerry J., Dunn, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Phelan, Pinion, Pleasant, Ridgeway, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tindell, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood -- 72.

Representatives voting no were: Arriola, Buck, Davidson, Fitzhugh, Hargrove, Head, Jones U., Lewis, Maddox, Phillips, Rhinehart, Rinks, Stulce, Tidwell, Towns, Turner (Hamilton), Williams, Mr. Speaker Naifeh -- 18.

Representatives present and not voting were: Boner, Bowers, Caldwell, Eckles, Langster, Patton, Pruitt -- 7.

A motion to reconsider was tabled.

House Bill No. 1722 -- Real Estate Agents and Brokers - Requires real estate appraisers to undergo two years of service as real estate appraiser trainee. - Amends TCA Section 62-39-304. by *West, *Cole (Carter). (*SB1575 by *Rochelle)

Further consideration of House Bill No. 1722, previously considered on May 19, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Regular Calendar.

On motion, House Bill No. 1722 was made to conform with **Senate Bill No. 1575**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 1575 be passed on third and final consideration.

Rep. West moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1575 by adding before the period at the end of Section 1(a) the language "or equivalent experience as determined by the commission and in compliance with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation".

On motion, Amendment No. 1 was adopted.

Rep. West moved that **Senate Bill No. 1575**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2000 -- Hornbeak - Subject to local approval, rewrites charter. - Repeals Chapter 692, Private Acts of 1923, as amended. by *Pinion. (*SB2007 by *Herron)

Further consideration of House Bill No. 2000, previously considered on May 19, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Regular Calendar.

Rep. Pinion moved that House Bill No(s). 2000 be reset for the Regular Calendar on Thursday, May 22, 1997, which motion prevailed.

***Senate Bill No. 1341** -- Education - Expands list of prohibited substances for possession of which student may be expelled to include prescription drug or any other controlled substance. - Amends TCA Section 49-6-4018. by *Cooper. (HB1521 by *Winningham)

Further consideration of Senate Bill No. 1341, previously considered on May 15, 1997, and May 19, 1997, at which time the Senate Bill was substituted for the House Bill, and reset to today's Calendar.

Rep. Winningham moved that **Senate Bill No. 1341** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 1026 -- Courts, General Sessions - Requires defendant to notify clerk within 48 hours of hearing if possibility of another defendant; clerk shall notify plaintiff and automatically continue hearing for 30 days so plaintiff can add new defendant to warrant, continuation granted if defendant fails to notify. - Amends TCA Title 16, Chapter 15. by *Buck. (*SB879 by *Jordan)

Rep. Buck moved that House Bill No. 1026 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1026 by deleting the language "notify the clerk of the court" in the amendatory language of subsection (a) of Section 1 of the printed bill and by substituting instead the language "notify the opposing party or parties and the clerk of the court in writing".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 1026**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1305 -- Veterinarians - Permits veterinarian to administer free emergency treatment to ill or injured animal without civil liability (except in gross negligence cases) - Amends TCA Title 63, Chapter 12. by *Buck. (*SB482 by *Haynes)

Rep. Buck moved that House Bill No. 1305 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1305 by deleting the first sentence of Section____. of the amendatory language of SECTION 1 and substituting instead the following:

Any licensed veterinarian, or ancillary veterinary personnel employed by and working under the direct supervision of a licensed veterinarian, who, in good faith, at his or her own initiative renders emergency treatment to an ill or injured animal gratuitously and without making charge for such treatment, is not liable to the owner of the animal for any civil damages arising from the treatment provided to the animal except in cases of gross negligence.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 1305**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1718 -- Courts - Authorizes courts to implement procedures for use of electronic signatures in signing of pleadings, court orders, judgment orders, or other court documents. - Amends TCA Title 16, Chapter 1, Part 1 and Title 16, Chapter 3, Part 4. by *West. (*SB1090 by *Haynes)

Rep. West moved that House Bill No. 1718 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1718 by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

Notwithstanding any provision of law to the contrary, courts in this state may implement procedures for the use of electronic signatures in the signing of pleadings, court orders, judgment orders, affidavits of complaint, arrest warrants, a mittimus or other court documents. An electronic signature may be used to sign a document and shall have the same force and effect as a written signature.

On motion, Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 1718**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 173** -- Sunset Laws - Deletes from sunset provisions vocational training centers, board of directors. - Amends TCA Title 4, Chapter 29 and Title 49, Chapter 11. by *Kernell, *Garrett, *Brooks. (SB77 by *Springer)

Rep. Kernell requested that House Bill No. 173 be moved to the heel of the Calendar.

House Bill No. 1574 -- Election Laws - Removes requirement that candidates and PACs report dates of receipts of contributions and expenditures - Amends TCA Section 2-10-107(a) and (c) and Section 2-10-105(a) and (b). by *Kisber. (*SB739 by *Kyle)

On motion, House Bill No. 1574 was made to conform with **Senate Bill No. 739**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 739 be passed on third and final consideration.

Rep. Jones U (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 739 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 2-10-105(a), is amended by deleting the first sentence and substituting instead the following:

Each candidate for state public office or political campaign committee in a state election shall file with the registry of election finance a statement of all contributions received and all expenditures made by or on behalf of such candidate or such committee. The statement of each candidate for state public office shall include the date of the receipt of each contribution and the statement of a political campaign committee in a state election shall include the date of each expenditure which is a contribution to a candidate.

SECTION 2. Tennessee Code Annotated, Section 2-10-105(b), is amended by deleting the first sentence and substituting instead the following:

Each candidate for local public office or political campaign committee for a local election shall file with each county election commission of the county where the election is held, a statement of all contributions received and all expenditures made by or on behalf of such candidate or such committee. The statement of each candidate for local public office shall include the date of the receipt of each

contribution and the statement of a political campaign committee for a local election shall include the date of each expenditure which is a contribution to a candidate.

SECTION 3. Tennessee Code Annotated, Section 2-10-107(a)(2)(A), is amended by deleting subdivision (i) and substituting instead the following:

The statement shall list the full name and complete address of each person who contributed a total amount of more than one hundred dollars (\$100) during the period for which the statement is submitted, and the amount contributed by that person. The statement of each candidate shall include the date of the receipt of each contribution and the statement of a political campaign committee shall include the date of each expenditure which is a contribution to a candidate.

SECTION 4. Tennessee Code Annotated, Section 2-10-107(c)(1), is amended by deleting subdivision (B) and substituting instead the following:

In-kind contributions of more than one hundred dollars (\$100) during the period for which the statement is submitted, and for each such contribution, the name and address of each person who contributed it. The statement of each candidate shall include the date of the receipt of each in-kind contribution and the statement of a political campaign committee shall include the date of each expenditure which is an in-kind contribution to a candidate.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **Senate Bill No. 739**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker,

Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Boyer -- 1.

A motion to reconsider was tabled.

House Bill No. 1295 -- Taxes, Sales - Removes trailers used to transport livestock from farm equipment exemption from sales tax; exempts poultry environment control, feeding, watering and egg conveying equipment costing more than \$250. - Amends TCA Section 67-6-102. by *Givens. (*SB523 by *Rochelle)

Rep. Givens moved that House Bill No. 1295 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1295 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. It is the express and unequivocal legislative intent of the general assembly that retroactive application be given to the fourth sentence of Tennessee Code Annotated, §67-6-102(8) that was added by the second sentence of Section 1 of Chapter 384 of the Public Acts of 1995, and that such sentence shall have retroactive application to July 1, 1989.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Goins moved the previous question, which motion prevailed.

Rep. Givens moved that **House Bill No. 1295**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant,

Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 989 -- Election Laws - Prohibits political parties from nominating candidates for state trial court judges; requires all such elections be nonpartisan. - Amends TCA Title 2. by *Bowers. (*SB1600 by *Ford J)

Rep. Bowers moved that House Bill No. 989 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 989 by adding the following new section immediately preceding the last section and by renumbering the subsequent accordingly:

Section _____. The provisions of this act shall not apply in any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 989 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in any county having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census; and shall apply in any other county upon the adoption of a resolution by a two-thirds (2/3) vote of the county legislative body of such county.

Rep. Haley moved the previous question on Amendment No. 2, which motion failed.

Rep. Phillips moved the previous question on Amendment No. 2, which motion prevailed.

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

On motion, Amendment No. 2 was adopted by the following vote:

Ayes	45
Noes	41
Present and not voting	6

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Buck, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Givens, Hargrove, Head, Hood, Jones S., Kernell, Kisber, Langster, McDonald, McMillan, Miller, Phelan, Phillips, Pruitt, Rhinehart, Rinks, Ritchie, Stulce, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams, Windle, Mr. Speaker Naifeh -- 45.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Caldwell, Clabough, Cole (Carter), Davis, Dunn, Ford, Fraley, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Huskey, Kent, Kerr, Maddox, McAfee, McDaniel, McKee, Mumpower, Newton, Patton, Pinion, Pleasant, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Walker, Walley, Westmoreland, Wood -- 41.

Representatives present and not voting were: Cross, Odom, Ridgeway, Sands, Whitson, Winningham -- 6.

Rep. Bowers moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 989 by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-13-203, is amended by adding the following new subsection:

() Notwithstanding the provisions of this subsection to the contrary, a political party may not nominate a candidate for state trial court judge or a county judicial office. All such elections shall be non-partisan.

On motion, Amendment No. 3 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Bowers moved that **House Bill No. 989**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes	47
Noes	22
Present and not voting	23

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J., DeBerry L., Ferguson, Fitzhugh, Fowlkes, Hargrove, Head, Hood, Jones U., Kernell, Kisber, Langster, Maddox, McDonald, McMillan, Miller, Phelan, Phillips, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), White, Williams, Windle, Mr. Speaker Naifeh -- 47.

Representatives voting no were: Beavers, Burchett, Cole (Carter), Davis, Ford, Godsey, Haley, Hargett, Hassell, Huskey, Kent, McDaniel, Mumpower, Patton, Pleasant, Roach, Sargent, Scroggs, Sharp, Stamps, Walley, Wood -- 22.

Representatives present and not voting were: Bird, Bittle, Boyer, Clabough, Cross, Dunn, Givens, Goins, Gunnels, Halteman-Harwell, Jackson, Jones S., Kerr, McAfee, Newton, Odom, Pinion, Sands, Walker, West, Westmoreland, Whitson, Winningham -- 23.

Having failed to receive a constitutional majority, House Bill No. 989 was re-referred to the Committee on Calendar & Rules.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1765** -- State Prisoners - Requires warden of penitentiary to notify person collecting dead body of a prisoner and appropriate funeral home of any bloodborne communicable diseases of such prisoner. - Amends TCA Title 41, Chapter 51. by *Ferguson. (SB1913 by *Burks)

On motion, House Bill No. 1765 was made to conform with **Senate Bill No. 1913**; the Senate Bill was substituted for the House Bill.

Rep. Ferguson moved that Senate Bill No. 1913 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1913 by deleting from subdivision (a) of the new section added by the amendatory language of Section 1 the following:

Whenever any inmate committed to a state penal institution dies, the superintendent, director or warden of such state penal institution shall inform the person collecting the dead body and the funeral home to which the dead

body is carried that such inmate, at the time of his or her death, was infected by a bloodborne pathogen as defined in § 41-51-102(b)(1).

and by substituting instead the following:

Whenever any inmate committed to a state penal institution dies, and such inmate is known by health personnel of the department of correction to be infected by a bloodborne pathogen as defined in § 41-51-102(b)(1), the superintendent, director or warden of such state penal institution shall inform the person collecting the dead body and the funeral home to which the dead body is carried of such infectivity.

On motion, Amendment No. 1 was adopted.

Rep. Ferguson moved that **Senate Bill No. 1913**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1568 -- Taxes, Sales - Removes sales tax liability for retail purchases of certain food staples bought during October 1997; requires commissioners of revenue, health and human services to report on overall impact of such temporary sales tax exemption. - Amends TCA Title 67, Chapter 6, by *Langster, *Jones U (Shelby), *DeBerry L, *Pruitt, *Jones, S., *DeBerry J, *Brooks, *West. (*SB518 by *Rochelle)

On motion, House Bill No. 1568 was made to conform with **Senate Bill No. 518**; the Senate Bill was substituted for the House Bill.

Rep. Langster moved that Senate Bill No. 518 be passed on third and final consideration.

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Langster moved that **Senate Bill No. 518** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 507** -- Insurance, Motor Vehicles - Prohibits cancellation or annulment of motor vehicle insurance policy absent finding of fault on part of insured. - Amends TCA Section 55-12-122. by *DeBerry J. (SB965 by *Ford J)

Rep. J. DeBerry moved that House Bill No(s). 507 be reset for the Regular Calendar on Wednesday, May 28, 1997, which motion prevailed.

House Bill No. 1777 -- Education, Higher - Exempts most private degree-granting postsecondary educational institutions from making payments into tuition guaranty fund. - Amends TCA Section 49-7-2018(d). by *Davidson. (*SB1810 by *Womack)

On motion, House Bill No. 1777 was made to conform with **Senate Bill No. 1810**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 1810 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved that **Senate Bill No. 1810** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1465 -- Workers' Compensation - Changes notice period from 30 to 15 days for local government or state to elect or withdraw from workers' compensation law. - Amends TCA Title 50. by *Jones U (Shelby), *Miller L, *Brooks. (*SB592 by *Kyle)

Rep. U. Jones moved that House Bill No(s). 1465 be reset for the last Regular Calendar, which motion prevailed.

House Bill No. 1325 -- Professions and Occupations - Adds clinical pastoral therapists to board of professional counselors, and marital and family therapists. - Amends TCA Title 63, Chapter 22. by *Arriola, *Walley, *Eckles, *Halteman Harwel, *Pruitt. (*SB794 by *Henry)

Rep. Arriola moved that House Bill No. 1325 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1325 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-22-101, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) There is hereby created the board for professional counselors, marital and family therapists, and clinical pastoral therapists, hereinafter referred to as the "board".

SECTION 2. (a) Tennessee Code Annotated, Section 63-22-101(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) The Tennessee Association for Counseling and Development, the Tennessee Association for Marriage and Family Therapy, and the Tennessee Association of Pastoral Therapists each may provide the governor with a list of four (4) candidates. The governor may appoint members from each list.

(b) Tennessee Code Annotated, Section 63-22-101(c), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) With the exception of the citizen-at-large member, at least three (3) months before expiration of any board member's term, the Tennessee Association for Counseling and Development, the Tennessee Association for Marriage and Family Therapy, and the Tennessee Association of Pastoral Therapists each may submit to the governor a list of persons eligible for appointment, in number not less than twice the number of appointments to be made.

(c) Tennessee Code Annotated, Section 63-22-101, is amended by adding a new subsection thereto, as follows:

() In making appointments to the board, the governor should consider the importance of geographical diversity to this board. Whenever practicable, the governor shall strive to ensure that members on the board are from each of the three (3) grand divisions of the state.

SECTION 3. Tennessee Code Annotated, Section 63-22-101(c)(2), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(2) With the exception of the citizen-at-large member, at least three (3) months before expiration of any board member's term, the Tennessee Association for Counseling and Development, the Tennessee Association for Marriage and Family Therapy, and the Tennessee Association of Pastoral Therapists may submit to the governor a list of persons eligible for appointment, in number not less than twice the number of appointments to be made.

SECTION 4. Tennessee Code Annotated, Section 63-22-102, is amended by adding the following new subdivisions thereto:

(12) Review the credentials of clinical pastoral therapist applicants to determine if they are eligible for certification upon payment of a non-refundable review fee as set by the board;

(13) Prepare or select and administer examinations to clinical pastoral therapy applicants for certification;

(14) Certify clinical pastoral therapists who satisfy the requirements of Section 8 of this act;

SECTION 5. Tennessee Code Annotated, Section 63-22-114, is amended by deleting the language "or licensed professional counselors" and by substituting instead the language and punctuation ", licensed professional counselors or certified clinical pastoral therapists".

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding a new section thereto, as follows:

Section _____. The following definitions shall apply in this section, unless the context clearly requires a different meaning:

(1) "Advertise" means, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, or television broadcasting or other means designated to secure public attention;

(2) "Approved supervisor" means a person who is a certified clinical pastoral therapist and either a Diplomate of the American Association of Pastoral Counselors, a Fellow of the American Association of Pastoral Counselors who is under supervision of a supervisor, or a board-approved clinical pastoral therapy supervisor;

(3) "Approved training program" means a clinical training program accredited by the American Association of Pastoral Counselors;

(4) "Board-approved clinical pastoral therapy supervisor" means a person who gives the board evidence of:

(A) Five (5) years' full-time experience in clinical pastoral therapy practice and supervision;

(B) One hundred twenty-five (125) hours of supervision specifically in the skill of providing supervision to clinical pastoral therapists; and

(C) A recommendation for board-approved supervisor status from a supervisor who had provided supervision of the supervision referred to in subdivision (a)(4)(B);

(5) "Clinical pastoral education" means program of training designed to acquaint students of theology and practicing clergy with the clinical method of learning, increase skills in the arts of pastoral care, and facilitate integration of a professional pastoral identity. Programs typically occur in general medical, psychiatric, or penal institutions;

(6) "Clinical pastoral therapy" means the diagnosis and treatment, from a clinical pastoral perspective, of the psychodynamics, interpersonal dynamics and spiritual dynamics of persons experiencing emotional behavioral or relational distress or dysfunction. Clinical pastoral therapy involves the integration and professional application of resources and techniques from the religious community's traditions of pastoral care and counsel along with recognized principles, methods and procedures of the contemporary psychotherapy community in the deliver of counseling and psychotherapeutic services to individuals, couples, families and groups;

(7) "Certified clinical pastoral therapist" means a person who has met the qualifications for certified clinical pastoral therapist and holds a current, unsuspended or unrevoked certificate which has been lawfully issued by the board;

(8) "Practice of clinical pastoral therapy" means the rendering of professional clinical pastoral therapy to individuals, couples, families, or groups, either offered directly to the general public by an individual operating independently of any institution, organization, or agency; or through mental health clinics or agencies (whether public or private); or through hospitals (whether public or private), for a fee (excluding volunteer hours);

(9) "Recognized educational institution" means any educational institution that is accredited by a nationally or regionally recognized educational accrediting body;

(10) "Supervision" means the direct clinical review, for the purpose of training or teaching, by an approved supervisor, of a clinical pastoral therapist's interaction with clients. The purpose of supervision shall be to promote the development of the practitioner's clinical skills. Supervision may include,

without being limited to, the review of case presentations, audiotapes, videotapes and direct observation; and

(11) "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards or other instruments of professional identification.

SECTION 7. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding a new section thereto:

(a) Except as specifically provided in Section 9, beginning January 1, 1998, no person who is not certified as a clinical pastoral therapist under this chapter shall:

(1) Advertise that the performance of clinical pastoral therapy services is by a certified clinical pastoral therapist; or

(2) Use the title "certified clinical pastoral therapist" to denote that the person is a certified clinical pastoral therapist.

(b) Any person who engages in any unlawful act enumerated in this section is guilty of a Class B misdemeanor.

(c) The department of health may institute appropriate proceedings, in law or equity, to enjoin any person from engaging in any unlawful act enumerated in this section, such action or proceeding to be brought in the circuit or chancery court of the county in which the unlawful act occurs or in which the defendant resides.

(d) Nothing in this section shall be construed as permitting any person certified as a clinical pastoral therapist to engage in the practice of "licensed psychological examiner", "licensed psychologist", "certified master social worker", or "licensed independent practitioner of social work", as defined in the laws of this state.

(e) Nothing in this section, except in subsection (b), applies to any person regulated by the board of nursing.

(f) Nothing in this section shall be construed as permitting a certified clinical pastoral therapist to prescribe medications or to interpret psychological tests intended to measure and/or diagnose mental illness.

(g) Certified clinical pastoral therapists shall establish and maintain effective working relationships with an interdisciplinary network of professionals, including at least one (1) psychologically-oriented physician, usually a psychiatrist, with an unlimited license to practice the healing arts in Tennessee, in order to make provision for referral for the diagnosis and treatment of medical or mental conditions falling outside the scope of clinical pastoral therapy as defined in Section 6(6) of this act.

SECTION 8. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding a new section thereto, as follows:

Section _____. An applicant for certification as a certified clinical pastoral therapist shall pay the board a non-refundable fee as set by the board and shall satisfy the board that the applicant:

(1) Is at least eighteen (18) years of age;

(2) Is of good moral character;

(3) Has met the educational standards set by the board which shall include:

(A) Completion of a minimum of one hundred twenty (120) graduate semester hours from a recognized educational institution of which sixty (60) graduate semester hours shall be in a course of studies in clinical pastoral therapy as designated by the board, of which nine (9) graduate semester hours must relate specifically to the diagnosis and treatment of mental disorders;

(B) The awarding of the Master of Divinity (M.Div.) degree or its equivalent;

(C) The awarding of an advanced degree (either a master's or doctoral degree) in pastoral therapy or a closely related field;

(D) Completion of a practicum consisting of at least one (1) unit of full-time clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education; and

(E) Completion of an internship consisting of at least two (2) years of clinical pastoral therapy training in an approved training program;

(4) Has provided a minimum of one thousand four hundred (1,400) hours of pastoral therapy with individuals, couples, families and/or groups while receiving a minimum of two hundred seventy (270) hours of supervision of such therapy with an approved supervisor; and

(5) Has passed the examination published by the national Pastoral Counselor Examination Board or other such examination as approved by the board.

SECTION 9. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding the following as a new section thereto:

Section _____. (a) Nothing in this chapter shall be construed as limiting the ministry, activities, or services of a rabbi, priest, minister of the gospel or others authorized by a regularly organized and functioning religious body in performing the ordinary duties or functions of the clergy. Nor shall any rabbi, priest, or minister who offers counseling services, even if fees are charged, be subject to the limitations of this chapter, as long as they do not hold themselves out as certified pastoral therapists or certified pastoral counselors and as long as they do not purport to provide the integration and professional application of resources and techniques from the religious community's traditions of pastoral care and counsel along with recognized principles, methods and procedures of clinical psychotherapy.

(b) The provisions of this chapter do not apply to a person if the person is preparing for the practice of clinical pastoral therapy under qualified supervision in a training institution or facility or supervisory arrangement recognized and approved by the board; provided, that such person is designated by such titles as "pastoral therapy intern", "pastoral therapy trainee", or others, clearly indicating such training status.

(c) Nothing in this chapter shall be construed to prevent qualified members of other professional groups as defined by the board, including, but not limited to, licensed clinical social workers, licensed psychologists, licensed psychological examiners, psychiatric nurses, physicians, or attorneys at law, from performing or advertising that they provide or offer counseling services consistent with the accepted standards of their respective professions nor to prevent alcohol and drug abuse counselors licensed under Section 68-24-601 or operating under qualified supervision while seeking such licensure from doing counseling consistent with the accepted standards of such profession.

SECTION 10. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding the following as a new section thereto:

Section _____. (a) The board may enter into a reciprocal agreement with any other state that licenses, certifies or registers clinical pastoral therapists, if the board finds that such state has substantially the same or higher certification requirements than Tennessee. This agreement shall provide that the board may certify without examination any resident of another state who is currently licensed, certified, or registered by the state, if that resident has met the same or higher requirements as provided herein.

(b) The board may certify by endorsement a clinical pastoral therapist applicant who is a Fellow or Diplomate of the American Association of Pastoral Counselors if that person otherwise meets the requirements of this chapter.

(c) The board may also certify by endorsement a clinical pastoral therapist applicant who is:

- (1) Certified as a Member of the American Association of Pastoral Counselors;
- (2) Can document five (5) years of full-time practice in pastoral therapy subsequent to that certification; and
- (3) Otherwise meets the requirements of this chapter.

SECTION 11. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding the following as a new section thereto:

Section _____. Until January 1, 2000, applicants who can document satisfaction of the requirements of Section 8, subdivisions (1) through (4), or who can document having received a graduate theological degree from a recognized educational institution and are currently licensed in Tennessee as a psychologist designated as a health service provider, a professional counselor designated as a mental health service provider, a marital and family therapist, a clinical social worker, or an alcohol and drug abuse counselor, and who can document being actively engaged in the practice of clinical pastoral therapy for at least five (5) years prior to January 1, 1988, shall be entitled to receive certification as a certified clinical pastoral therapist pursuant to this act.

SECTION 12. For the purpose of making appointments to the board, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Arriola moved that **House Bill No. 1325**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

***House Bill No. 136** -- Private Protective Services - Assigns personal civil and criminal liability to private security guard using unauthorized deadly force - Amends TCA Title 62. by *Rinks. (SB971 by *Ford J)

Rep. Rinks moved that House Bill No. 136 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 136 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-18-106(e), is amended by deleting such subsection in its entirety and by substituting instead the following:

(e) Any continuing education requirements established pursuant to this chapter shall provide that persons over the age of sixty-five (65) shall be exempt from complying with continuing education standards and requirements.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 2, Part 4, is amended by adding a new section thereto, as follows:

Section _____. Any continuing education requirements established pursuant to this chapter shall provide that engineers over the age of sixty-five (65) shall be exempt from complying with continuing education standards and requirements.

SECTION 3. This act shall take effect upon July 1, 1997, the public welfare requiring it

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved that **House Bill No. 136**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	2
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Boyer, Caldwell -- 2.

Representatives present and not voting were: Maddox, Tidwell -- 2.

A motion to reconsider was tabled.

***House Joint Resolution No. 182** -- General Assembly, Studies - Directs select oversight committee on children and youth, together with selected members of the senate and house judiciary committees and the house children and family affairs committee to perform comprehensive review and evaluation of Tennessee's system of juvenile justice. by *Brown, *Brooks, *McMillan, *Rinks, *Arriola, *Williams (Williamson), *Boyer, *Towns, *Hassell, *Cole (Dyer), *Westmoreland, *Roach, *Ferguson, *McDaniel, *Turner (Shelby), *Dunn, *Jones U (Shelby), *Chumney, *Langster, *Hicks, *Rhinehart, *DeBerry J, *Stamps, *Miller L, *Armstrong, *Pruitt, *Bowers, *Cooper B, *Davis R, *Stulce, *Clabough, *Kerr, *Hargett, *Burchett, *Fitzhugh, *Halteman Harwel, *Caldwell, *Wood, *Fraley, *McKee, *Gunnels, *Jones, S.,

Rep. Brown moved that House Joint Resolution No. 182 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

***House Joint Resolution No. 152** -- General Assembly, Directed Studies - Urges department of transportation to study feasibility of including Glenobey Road in Fentress County within state highway system. by *Windle.

Rep. Windle moved that **House Joint Resolution No. 152** be adopted, which motion prevailed by the following vote:

Ayes..... 86
Noes 2

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Armstrong, Phelan -- 2.

A motion to reconsider was tabled.

***House Bill No. 173** -- Sunset Laws - Deletes from sunset provisions vocational training centers, board of directors. - Amends TCA Title 4, Chapter 29 and Title 49, Chapter 11. by *Kernell, *Garrett, *Brooks. (SB77 by *Springer)

Further consideration of House Bill No. 173, previously considered on today's Calendar.

Rep. Kernell moved that House Bill No(s). 173 be reset for the Regular Calendar on Thursday, May 22, 1997, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 266 -- Education, Higher - Allows alumni members of state board of regents to have attended either two years or four semesters at institution governed by board. - Amends TCA Title 49, Chapters 7, 8 and 9. by *Curtiss. (*SB114 by *Cooper)

Senate Amendment No. 2

AMEND House Bill No. 266 by deleting Sections 1 and 2 of the printed bill and substituting the following:

SECTION 1. The Tennessee higher education commission is hereby requested to conduct a study of the feasibility and/or desirability of merging the post-secondary educational facilities currently located in Warren County, i.e. The Motlow State Community College at McMinnville, the Tennessee Technology Center, and the Tennessee State University Nursery Research Station. Such study should examine the economic, business and industrial needs of the area, as well as the training and educational needs of the local population. The study should also address the question as to whether the three (3) existing facilities should be consolidated or expanded into a two and/or four-year state institution of higher education.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it, and the requested report should be submitted to the General Assembly before February 1, 1998.

Rep. Curtiss moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 266**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 599 -- County Officers - Revises qualifications for sheriffs - Amends TCA Section 8-8-102. by *McDonald, *Hargrove, *Rinks, *Westmoreland, *Eckles, *Cole (Carter), *Huskey, *Naifeh, *Rhinehart, *Mumpower, *Godsey, *Bird, *Cole (Dyer). (*SB376 by *Atchley, *Crutchfield)

Rep. McDonald moved that House Bill No. 599 be returned to the Senate as requested.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE

May 21, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1491; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 21, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 615; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 21, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1062; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on May 22, 1997:

House Bill No. 615: by Rep. Westmoreland

House Bill No. 1491: by Rep. Chumney

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 332: Rep(s). Ridgeway and Pinion as prime sponsor(s).

House Joint Resolution No. 335: Rep(s). Buck as prime sponsor(s).

House Joint Resolution No. 336: Rep(s). Head and McMillan as prime sponsor(s).

House Bill No. 754: Rep(s). McMillan and Stamps as prime sponsor(s).

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

House Bill No. 766: Rep(s). Givens, Phelan, Cole (Dyer) and Rinks as prime sponsor(s).

House Bill No. 1022: Rep(s). Cole (Dyer) and Rinks as prime sponsor(s).

House Bill No. 1360: Rep(s). McMillan as prime sponsor(s).

House Bill No. 1404: Rep(s). Stamps as prime sponsor(s).

House Bill No. 1606: Rep(s). Stamps as prime sponsor(s).

House Bill No. 1922: Rep(s). Pleasant, Haley and Hargett as prime sponsor(s).

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

House Bill No. 1307: Rep(s). Boner.

SIGNED
May 21, 1997

The Speaker signed the following: Senate Bill(s) No(s). 430, 765, 811, 913, 980, 1034, 1650 and 1945.

MESSAGE FROM THE GOVERNOR
May 21, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 219, 290, 297, 300 and 301, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

ENROLLED BILLS
May 21, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 215, 273, 665, 838, 848, 1075, 1202, 1218, 1340, 1345, 1791 and 1909; House Joint Resolution(s) No(s). 299 and 318; also, House Resolution(s) No(s). 83 and 84.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
May 21, 1997**

The Speaker signed the following: House Bill(s) No(s). 215, 273, 665, 838, 848, 1075, 1202, 1218, 1340, 1345, 1791 and 1909; House Joint Resolution(s) No(s). 299 and 318; also, House Resolution(s) No(s). 83 and 84.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 21, 1997**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 299 and 318; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
May 21, 1997**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 278, 291, 310, 415, 426, 594, 726, 1183, 1349, 1573, 1635, 1645, 1655, 1688, 1756 and 1783; also, Senate Joint Resolution(s) No(s). 154, 275 and 276 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED
May 21, 1997**

The Speaker signed the following: Senate Bill(s) No(s). 278, 291, 310, 415, 426, 594, 726, 1183, 1349, 1573, 1635, 1645, 1655, 1688, 1736, 1756 and 1783; also, Senate Joint Resolution(s) No(s). 154, 275 and 276.

**REPORT OF CHIEF ENGROSSING CLERK
May 21, 1997**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 299 and 318.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS
May 21, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s) 279, 308, 310, 311, 312, 313, 314, 315, 316, 317, 320, 321, 322, 324, 325, 326, 327 and 328.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 21, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 832, 1946, 1988, 1997, 1999, 2002, 2004, 2007, 2008 and 2009; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 21, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 545, 1289, 1301, 1337 and 1652; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 21, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 70 and 84; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 21, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 136, 945, 1017, 1026, 1295, 1305, 1325 and 1718, also, House Joint Resolution(s) No(s). 152.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 21, 1997

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 599, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 21, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 70 and 84; also, House Resolution(s) No(s). 85, 86 and 87.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
May 21, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 70 and 84; also, House Resolution(s) No(s). 85, 86 and 87.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 21, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 317; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR
May 21, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 299 and 318, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
May 21, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 283, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE
May 21, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 901, 981 and 1241; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 901** -- Education - Sets kindergarten age at five and mandatory school attendance age at six rather than seven years of age; exempts certain home school or non-public school students; authorizes parent to file application with principal for one semester or one year deferral. - Amends TCA Title 49, Chapter 6, Part 30. by *Dixon, *Graves, *Crutchfield.

WEDNESDAY, MAY 21, 1997 -- FORTY-FIFTH LEGISLATIVE DAY

Senate Bill No. 981 -- Education, Higher - Increases from 96 to 106 number of minority teaching fellows administered through Tennessee student assistance corporation; the additional persons to be admitted in 1997-1998 academic year. - Amends TCA Title 49. by "Ford J.

Senate Bill No. 1241 -- Anatomical Gifts - Makes certain changes to anatomical gifts provisions; enacts "William J. Warner/Green Hills Rotary Club Organ Procurement Act of 1997." - Amends TCA Title 68, Chapter 30. by "Herron, "Haynes, "Williams, "Henry.

CONSENT CALENDAR
May 21, 1997

The following local bills have been placed on the Consent Calendar for **May 22, 1997**: House Bill(s) No(s). 642, 2005 and 2006

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, May 22, 1997.